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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 27th August, 1968:—

BILL No. 75 OF 1968

A Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Representation of the People Act, 1951 and to provide against printing and publication of certain objectionable matters.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Criminal and Election Laws Amendment Act, 1968. Short title.

45 of 1860.

2. In the Indian Penal Code (hereinafter referred to as the Penal Code), for section 153A, the following section shall be substituted, namely:— Substitution of new section for section 153A.

"153A. (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes, or Promoting enmity between

different groups on grounds of religion, race, language place of birth, residence, etc., and doing acts prejudicial to maintenance of harmony.

attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(*b*) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups, or castes, or communities, and which disturbs or is likely to disturb the public tranquillity,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence committed in place of worship, etc.

(*2*) Whoever commits an offence specified in sub-section (*1*) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which shall not be less than two years but which may extend to five years and shall also be liable to fine.".

Amendment of section 505.

3. Section 505 of the Penal Code shall be re-numbered as sub-section (*1*) of that section, and—

(*i*) in sub-section (*1*) as so re-numbered, in the *Exception*, for the words "of this section", the words "of this sub-section" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

Statements creating or promoting enmity, hatred or ill-will between classes.

"(*2*) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups, or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence under sub-section (*2*) committed in place of worship, etc.

(*3*) Whoever commits an offence specified in sub-section (*2*) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which shall not be less than two years but which may extend to five years and shall also be liable to fine.".

Amendment of Act 5 of 1898.

4. In the Code of Criminal Procedure, 1898,—

(*a*) in section 196, for the words "the State Government or some officer empowered by the State Government in this

behalf", the words "the State Government or District Magistrate or such other officer as may be empowered by the State Government in this behalf" shall be substituted;

(*b*) in Schedule II,—

(*i*) for the entries in columns 1 to 8 relating to section 153A, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
"153A(1)	Promoting enmity between classes.	May arrest without warrant.	Warrant	Not bailable.	Ditto	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class
153A(2)	Promoting enmity between classes in place of worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for not less than two years but may extend to five years and fine	Ditto ",

(*ii*) for the entry in column 3 relating to section 154, the entry "shall not arrest without warrant" shall be substituted;

(*iii*) for the entries in columns 1 to 8 relating to section 505, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
"505(1)	False statement, rumour, etc., with intent to cause mutiny or offence against the public peace	Ditto	Ditto	Not bailable.	Not compoundable	Imprisonment of either description for three years, or fine, or both	Presidency Magistrate or Magistrate of the first class.

1	2	3	4	5	6	7	8
505 (2)	False statement, rumour, etc., with intent to create enmity, hatred or ill-will between different classes.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Ditto
505 (3)	False statement, rumour, etc., made in place of worship, etc., with intent to create enmity, hatred or ill-will.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for not less than two years but may extend to five years, and fine.	Ditto.";

(*iv*) for the entries in columns 3 and 7 relating to section 506 as applicable to "Criminal intimidation" (first paragraph), the entries "shall not arrest without warrant" and "imprisonment of either description for 2 years, or fine, or both" shall, respectively, be substituted.

Amendment of section 8.

5. In section 8 of the Representation of the People Act, 1951, in sub-section (*1*), for the words, figures and letters "section 171E or section 171F of the Indian Penal Code", the words, figures and letters "section 153A or section 171E or section 171F or sub-section (*2*) or sub-section (*3*) of section 505 of the Indian Penal Code" shall be substituted. 43 of 1951.

Power to control prejudicial publications.

6. (*1*) The Central Government or a State Government or any authority so authorised by the Central Government in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony and affecting or likely to affect public order, may, by order in writing addressed to the printer, publisher or editor, prohibit the printing or publication of any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical:

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom the order has been made may, within ten days of the communication of the order, make a representation,—

(*i*) to the Central Government, where such order is made by the Central Government or any authority authorised by it; and

(*ii*) to the State Government, where such order is made by the State Government,

and the Central Government or the State Government, as the case may be, may, after consultation with a Committee, to be known as Press Consultative Committee, dispose of the matter, modifying, confirming or rescinding the order.

(*2*) In the event of disobedience of an order made under sub-section (*1*), the Central Government or the State Government or the authority issuing the order, as the case may be, may, without prejudice to any other penalty to which the person guilty of the disobedience is liable under this Act or under any other law for the time being in force, order the seizure of copies of the publication made in violation of an order made under sub-section (*1*), and of any printing press or other instrument or apparatus used in the publication.

Penalty.

7. Whoever contravenes, disobeys or neglects to comply with any order made under section 6 of this Act, shall, on conviction, be punished with imprisonment of either description which may extend to one year, or with fine up to one thousand rupees, or with both.

Composition of the Press Consultative Committee and rules in respect thereof.

8. (*1*) **A Press Consultative Committee referred to in the second proviso to sub-section (*1*) of section 6, shall consist of such number of persons, being editors, publishers and journalists, as may be prescribed by rules made under this section.**

(*2*) **The Central Government may make rules for the constitution of Press Consultative Committees, the term of office of the members of such Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them, and for all matters connected therewith or incidental thereto.**

(3) In particular, and without prejudice to the generality of the foregoing power under sub-section (2), such rules may provide for all or any of the following matters, namely:—

(a) the number of persons who may be appointed as members of a Press Consultative Committee and the class or category of persons from whom such members are to be appointed;

(b) the authority or authorities which may make such appointments;

(c) the procedure to be followed by the Central Government or the State Government, as the case may be, in consulting the Press Consultative Committee;

(d) the procedure to be followed by the Press Consultative Committee;

(e) any other matter for which rules have to be made for enabling the Press Consultative Committee to function.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Pursuant to the acceptance by the Government of the recommendations of the National Integration Council to prevent and remove communal and regional tensions, it is proposed to amend sections 153A and 505 IPC and Schedule II of the Code of Criminal Procedure with a view to amplifying the scope of these sections, providing enhanced punishment for offences under these sections committed in a place of worship, and making offences under sections 153A IPC and 505 IPC (only offences relating to enmity or hatred between communities, etc.) cognizable.

2. A provision is also being made whereby offences under section 153A and provision made in the Bill under section 505 IPC would constitute a disqualification under section 8 of the Representation of the People Act, 1951.

3. The National Integration Council had also recommended that powers should be taken to prevent the publication of alarming, incorrect or provocative news or views likely to promote communal ill-will or hatred or to disturb communal harmony, and had suggested that this may be done on the lines of provisions of section 2 of the Punjab Special Powers (Press) Act, 1956. A provision has accordingly been made in this Bill to prohibit the printing or publication of any matter for a specified period not exceeding two months if the Central Government or the State Government is satisfied that such action is necessary in the interest of maintenance of communal harmony.

NEW DELHI; Y. B. CHAVAN.

The 30th July, 1968.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 22|15|68-Poll.I(A), dated the 21st August 1968, from Shri Y. B. Chavan, Minister of Home Affairs to the Secretary, Lok Sabha].

The President, having been informed of the subject matter of the Criminal and Election Amendment Bill, 1968, recommends consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution of India.

Notes on clauses

Clause 2.—Promoting enmity between different groups on grounds of religion, race, language, etc., is made an offence under section 153A of the Indian Penal Code. It is proposed to include therein promoting enmity between different groups on grounds, such as, place of birth, or residence as well. It is also proposed to widen the scope of the provision so as to make promotion of disharmony or feelings of ill-will an offence punishable thereunder. Clause (b) of the said section provides for the punishment for doing acts prejudicial to the maintenance of harmony between different groups. That provision is also proposed to be widened so as to include acts prejudicial to the maintenance of harmony between different regional groups as well. It is also proposed to provide for enhanced punishment and a minimum punishment for any such offence committed in place of worship. The section is being substituted by this clause to achieve the above purpose.

Clause 3.—Section 505 of the Indian Penal Code penalises the making, publishing or circulation of any statement, rumour or report which is conducive to public mischief. The section does not deal specifically with rumours or alarming news which may create tension or ill-will between different communities so long as they are not intended or likely to incite commission of an offence. New sub-section (2) which is being inserted is intended to widen the scope of the section so as to include such rumours or alarming news with intent to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, as well. It is also proposed to provide for enhanced punishment and a minimum punishment for any such offence committed in place of worship. Section 505 is being amended for this purpose.

Clause 4.—Section 196 of the Criminal Procedure Code provides that certain offences including an offence under section 153A of the Indian Penal Code shall not be taken cognizance of by a Court unless upon a complaint made by order of, or under authority from the State Government or some officer empowered by the State Government in this behalf. It is proposed to amend the section so as to empower the District Magistrate to authorise prosecution. Schedule II of the Criminal Procedure Code is also being amended with a view to make offences under section 153A and section 505 (in

so far as they relate to offences relating to enmity or hatred between communities, etc.) of the Indian Penal Code cognizable and non-bailable.

Clause 5.—Section 8 of the Representation of the People Act deals with the disqualification of a candidate who is convicted for certain offences. The section is being amended so as to make a conviction for an offence punishable under section 153A and section 505 of the Indian Penal Code (offences relating to enmity or hatred between communities, etc.) a disqualification. The scope of the disqualification in relation to section 505 would extend also to convictions under the above-mentioned sections for making objectionable use of places of worship as well.

Clause 6.—This is intended to empower the Central Government or a State Government or any authority authorised by the Central Government to curb publications prejudicial to the maintenance of communal harmony. It is intended to enable the concerned Government to prohibit, for a period not exceeding two months, the printing or publication of alarming, incorrect or provocative news or of views likely to promote communal ill-feeling or hatred or to disturb communal harmony. It also provides that the person so affected can make a representation within ten days to the Central or the State Government, as the case may be, and that Government after consultation with Press Consultative Committee dispose of the matter, modifying, confirming or rescinding the order.

Clause 7 is intended to provide for a penalty of imprisonment of either description which may extend to one year or fine up to rupees one thousand or both for an accused who contravenes, disobeys or neglects to comply with any order passed under clause 6.

Clause 8 gives broadly the composition of the Press Consultative Committee which would consist of editors, publishers and journalists and empowers the Central Government to make rules for the constitution of the Committees, the term of office of the members of the Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committees and the manner of filling casual vacancies among them and for all matters connected therewith or incidental thereto. The rules would also specify the number of members of each Committee, the class or category of persons from whom such members are to be appointed, the authority or authorities which may make such appointment, the procedure for consulting the Committee and the procedure to be followed by the Press Consultative Committee. It also provides for laying on the Table of each House of Parliament rules so made and the rules are subject to the approval of Parliament.

FINANCIAL MEMORANDUM

Clause 6 of the Criminal and Election Laws Amendment Bill, 1968 provides for consultation by the Government with the Press Consultative Committee. Clause 8 of the Bill provides for the constitution of such a Committee the members whereof will be appointed pointed by the prescribed authority. The expenditure is not expected to be large and is not likely to exceed Rs. 18,400 (recurring) annually.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for the constitution of the Press Consultative Committee. The matters in respect of which rules may be made relate *inter alia* to the term of office of the members of the Committee, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them and for all matters connected therewith or incidental thereto. The rules would also specify the number of members of the Committee, the class or category of persons from whom such members are to be appointed, the authority or authorities which may make such appointment, the procedure for consulting the Committee and the procedure to be followed by the Press Consultative Committee. These matters pertaining to procedure or detail are necessary for the effective administration of the provisions of this Bill and as such the delegation of legislative power is of a normal character.

BILL NO. 73 OF 1968

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Uttar Pradesh for the services of the financial year 1968-69.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Uttar Pradesh Appropriation (No. 3) Act, 1968.

Issue of Rs. 31,42,67,500 from and out

2. From and out of the Consolidated Fund of the State of Uttar Pradesh there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-one crores, forty-two lakhs, sixty-seven thousand

of the consolidated Fund of the State of Uttar Pradesh for the financial year 1968-69.

and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1968-69, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
9	Elections	56,11,000	..	56,11,000
10	General Administration . .	9,900	..	9,900
11	Commissioners and District Administration . . .	22,87,400	..	22,87,400
13	Administration of Justice .	..	58,900	58,900
14	Jails	74,600	..	74,600
15	Police	26,55,900	..	26,55,900
17	Scientific Research and Cultural Affairs	1,37,400	1,100	1,38,500
18	Education	1,800	1,40,400	1,42,200
19	Medical	15,22,300	3,800	15,26,100
21	Agricultural Development .	500	41,700	42,200
23	Animal Husbandry and Fisheries	400	..	400
24	Co-operation	12,00,000	..	12,00,000
25	Industries	8,90,000	1,900	8,91,900
26	Planning and Co-ordination .	100	1,200	1,300
28	Information Directorate .	3,000	..	3,000
29	Scheduled and Backward Classes	300	..	300
31	Irrigation Works met from Revenue	6,02,300	..	6,02,300
32	Irrigation Establishment .	26,00,000	..	26,00,000
33	Public Works met from Revenue	2,45,59,300	..	2,45,59,300

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
36	Grants-in-aid of Public Works	4,000	..	4,000
42	Forest	..	*100*	100
44	Expenditure connected with the National Emergency .	1,15,700	..	1,15,700
45	Capital Outlay on Agricultural Schemes . . .	10,00,00,000	..	10,00,00,000
46	Capital Outlay on Industrial and Economic Development .	1,06,21,000	..	1,06,21,000
47	Capital Outlay on Multi-purpose River Schemes . . .	3,00,00,000	..	3,00,00,000
48	Capital Outlay on Irrigation Works	2,43,09,300	..	2,43,09,300
49	Capital Outlay on Public Works	1,00,31,400	..	1,00,31,400
50	Capital Outlay on Road Transport and Other Schemes	1,82,000	*58,800*	2,40,800
53	Loans and advances bearing Interest	9,65,40,000	..	9,65,40,000
	TOTAL .	31,39,59,600	*3,07,900*	31,42,67,500

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of articles 20(1) and 205 of the Constitution and the Proclamation issued under article 356 of the Constitution in respect of the State of Uttar Pradesh on the 25th February, 1968, as varied by the Proclamation issued on the 15th April, 1968, to provide for the appropriation out of the Consolidated Fund of the State of Uttar Pradesh of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund of the State of Uttar Pradesh and the grant made by the Lok Sabha for expenditure of the Government of Uttar Pradesh for the financial year 1968-69.

MORARJI DESAI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.5(9)-B/68, dated the 8th August, 1968, from Shri Morarji Desai, Deputy Prime Minister and Minister of Finance to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Uttar Pradesh for the services of the year ending on the 31st day of March, 1969, recommends under clauses (1) and (3) of article 207 of the Constitution read with article 205 thereof and the Proclamation dated the 25th February, 1968 issued under article 356, of the Constitution as varied by the Proclamation issued on the 15th April, 1968, the introduction of the Uttar Pradesh Appropriation (No. 3) Bill, 1968 in the Lok Sabha and also the consideration of the Bill.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1968-69 have been voted.

S. L. SHAKDHER,
Secretary.

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